



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



May 17, 2006

James E. Hartl AICP
Director of Planning

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Michelle RuvoCaba
302 North Orange Avenue
La Puente, Ca 91744

RE: PROJECT NO. R2005-01724-(1)
CONDITIONAL USE PERMIT NO. 200500090-(1)
16005 AMAR BOULEVARD, VALINDA

Dear Applicant:

The Regional Planning Commission, by its action of May 17, 2006, **APPROVED** the above described conditional use permit.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant.

If no appeal is made during this 15-day period, the Regional Planning Commission action is final. Upon completion of the 15-day appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. It is advisable that you **make an appointment** with the case planner to assure that processing will be completed expeditiously. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP, Acting Director of Planning

Samuel Dea
Acting Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping);
Zoning Enforcement, Alcoholic Beverage Control

SD:AN

Hearing Footage: February 8, 2006 T1A 135-157; April 19, 2006 T1A 089-504

**PROJECT NUMBER R2005-01724-(1)
CONDITIONAL USE PERMIT NUMBER 200500090-(1)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATES: February 8, 2006 and April 19, 2006

SYNOPSIS:

The applicant is requesting a Conditional Use Permit to authorize the continued operation of an existing bar with the sale of beer and wine for on-site consumption with accessory live entertainment, limited to karaoke, in an existing 2,426 square foot building in the C-2-BE (Neighborhood Commercial – Billboard Exclusion) zone. The subject property is located at 16005 Amar Road, in the Puente Zoned District.

PROCEEDINGS BEFORE THE COMMISSION:

February 8, 2006 Public Hearing

A duly noticed public hearing was held on February 8, 2006 before the Regional Planning Commission. Commissioners Bellamy, Valadez, Modugno, and Rew were present. Commissioner Helsley was absent. The applicant, Mrs. Michelle Hasbun, presented testimony in favor of the request and answered questions presented by the Commission. The public hearing was continued to April 19, 2006 to clarify a comment letter submitted by the Sheriff's Department.

April 19, 2006 Public Hearing

All Commissioners were present at the continued public hearing. Staff presented additional information from the Sheriff's Department regarding service calls to the subject property and the neighboring property. The Commission expressed concern with the subject property's proximity to other similar premises and the correspondence from the Sheriff's Department. Commissioner Valadez directed staff to include conditions limiting hours of operation to 10:00 p.m. during the weekdays and 12:00 a.m. on Friday and Saturday, hiring of an unarmed security guard, and placement of a camera in the rear parking lot. The applicant requested an extension to the hours of operation, stating that since no food was served at the bar, a majority of the patrons came later in the evening. The Commission extended the hours of operation to 12:00 a.m. daily.

There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to approve the permit, and directed staff to prepare the final environmental documentation and findings and conditions for approval, including changes to the conditions as discussed and as agreed to by the applicant.

Findings

1. The applicant is requesting a Conditional Use Permit for the continued operation of an existing bar with the sale of beer and wine for on-site consumption with accessory live entertainment, limited to karaoke, in an existing 2,426 square foot building. The establishment contains two pool tables and a karaoke bar. The current hours of operation for the facility are from 3:00 p.m. to 1:30 a.m., Monday through Sunday with three employees. The establishment has been in operation for more than 30 years and has been in operation by the applicant for two years.
2. The 0.16-acre subject property is located at 16005 Amar Road, in the community of Valinda, in the Puente Zoned District. The subject property is located on the north side of Amar Road between Greycliff Avenue and Echelon Avenue.
3. Zoning on the site is C-2-BE (Neighborhood Commercial – Billboard Exclusion). Prior to 1974, the operation of a bar in the C-2 zone was a use allowed in the zone. The operation of a bar required a conditional use permit after 1974. According to Section 22.56.1540 of the Los Angeles County Code, the amortization period for nonconforming uses is 25 years for businesses. The applicant has filed for a conditional use permit to authorize the continued operation of an existing bar with the sale of beer and wine for on-site consumption with accessory live entertainment, limited to karaoke. According to Section 22.28.110, the operation of a bar is subject to a conditional use permit.
4. The surrounding properties are zoned as follows:

North: R-1-6,000 (Single-Family Residential – 6,000 square feet required area)
East: R-1-6,000, C-2-BE, P-R (Parking Restricted)
South: City of Industry
West: R-1-6,000, C-2-BE, P-R
5. Surrounding land uses within 500' include:

North: Single-family and duplex residences
East: Single-family and duplex residences, commercial
South: Commercial, public storage facility, light industry
West: Single-family and duplex residences, commercial
6. No previous zoning or enforcement cases have been filed on the property. Records from the Assessor's Office indicate that the 2,426 square foot building was constructed in 1960. Records from the Department of Alcoholic Beverage Control show that a license for beer and wine for on-site consumption was originally issued in on May 2, 1983.
7. The subject property is designated as "C" (Commercial) under the Countywide General Plan. Areas within this designation are suited for commercial, service, and

office uses. Policy Number 4 of the General Plan states that development should "Promote neighborhood commercial facilities which provide convenience goods and services and complement the community character through appropriate scale, design, and locational controls." The operation of a local serving bar can be found appropriate with this designation, with appropriate conditions.

8. The site plan depicts the 2,426 square foot, single-story building and six parking spaces. The property is accessed from the south via Amar Road. Amar Road is designated a secondary highway with a 100 foot right-of-way. A common driveway shared with the adjacent property to the east provides access to a parking area located at the rear of the subject property. Two parking spaces and space for trash and recycling are located at the rear of the property. An existing 69.7 square foot wall sign is located on the building frontage along Amar Road.
9. Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-2 shall be subject to the following development standards under Part 5 of Chapter 22.28. of the Los Angeles County Code:

- a. According to Section 22.28.170-A, not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.

The 2,426 square foot building occupies 34.3 percent of the property, which does not exceed the 90% allowed lot coverage. Under current standards 699 square feet of landscaping would be required. Currently no landscaping exists on the property. The building on the property was developed in 1960, prior to existing standards, therefore it would be considered a legal nonconforming structure.

- b. Section 22.28.120 Part B refers to Part 11 of Chapter 22.52 for parking requirements. Per Section 22.52.1110 of the County Code, for entertainment, assembly, and dining uses, one automobile parking space plus adequate access thereto shall be provided for each 3 persons based on the occupant load as determined by the county engineer.

The Department of Public Works has determined that the occupant load for the existing 2,426 square foot bar is 69 persons. Under current standards, the bar would require 23 parking spaces. Six parking spaces are shown on the site plan. The property was developed in 1960. The applicant is not requesting to expand the facility. The existing use is legal nonconforming due to parking.

- c. Except for uses specified in Section 22.28.170-D of the County Code, all display in Zone C-2 shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit.

No outside display is shown on the site plan. The site plan complies with this requirement.

- d. Section 22.28.170-E states that outside storage is not permitted in the C-2 zone

No outside storage is shown on the site plan. The site plan complies with this requirement.

- e. According to Section 22.52.880, a maximum of three square feet of wall sign area are allocated to each linear foot of building frontage. Freestanding signs are not permitted for properties with less than 100 feet of frontage.

The building has a frontage of 40 linear feet and 120 square feet of total sign area is allocated for wall signs. One 69.7 square foot wall sign exists on the property. Wall signage complies with this requirement. An existing pole sign is located on the southwest corner of the property. This sign is not consistent with existing standards.

- 10. Currently, there are three establishments within 500 feet of the subject property sell alcoholic beverages. An adjacent establishment, Las Potrillas Night Club, is located to the east of the subject property and sells a full line of alcoholic beverages for on-site consumption. Two establishments, one liquor store on the property to the east of the subject property and one liquor store to the south of the subject property sell a full line of alcoholic beverages for off-site consumption. Residential properties border the site to the north, separated by a solid wall. The main entrance to the establishment faces south. Workman High School is within 1,000 feet of the subject property. Valinda Middle School and Del Valle Elementary School are located within walking distance to the subject property.
- 11. This project was determined by the Department of Regional Planning to be categorically exempt under Class 1, Existing Facilities from the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). Class 1 facilities include the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the determination.
- 12. On December 28, 2005, public hearing notices were mailed out to 54 property owners within 500' of the subject property, 19 local organizations, and 4 private persons identified on the Department's courtesy mailing list for projects in the

Puente Zoned District. The notice was published in the San Gabriel Valley Tribune and La Opinion on December 28, 2005. Case-related material, including the hearing notice, factual, and burden of proof were sent on December 28, 2005 to the La Puente County Library at 15920 East Central Avenue in La Puente. According to the applicant, the hearing notice has been posted on the property for 30 days prior to the public hearing.

13. No comments were received from the public regarding this request.
14. According to the Department of Alcoholic Beverage Control, the subject property is within a high crime area. In a letter dated February 14, 2006, the Sheriff's Department sent statistics stating that Sheriff's Deputies had visited the site 28 times in the last three years. The letter also stated that Sheriff's Deputies had visited Las Potrillas, an adjacent bar to the east, 57 times during the same period.
15. Due to the history in and around the subject property with the Sheriff's Department, the Regional Planning Commission has recommended restrictions for the continued operation of the bar, including a limitation on the hours of operation to 12:00 a.m. daily, provision of an unarmed security guard during the hours of 7:00 p.m. to 12:30 a.m., and the provision of a camera at the rear of the property.
16. Properly conditioned, the continued operation of a bar at this location would be appropriate and will not jeopardize the health, safety, and welfare of the public.
17. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission finds that this project is categorically exempt from the provisions of the California Environmental Quality Act.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200500090-(1) is APPROVED subject to the attached conditions.

VOTE 5-0-0

Concurring: Bellamy, Valadez, Modugno, Helsley, Rew

Dissenting: None

Abstaining: None

Absent: None

Action Date: May 17, 2006

**SD:AN
5/17/06**

1. This grant authorizes the continued operation of a bar in the C-2-BE zone with the sale of beer and wine for on-site consumption at the subject property with accessory live entertainment, limited to karaoke only, as depicted on approved Exhibit "A". This grant is subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within 90 days from the date of approval. A one-year time extension may be requested in writing with the payment of the applicable fee, at least ninety (90) days before the expiration date.
7. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. This grant shall terminate on **May 17, 2011**. Upon written request made by the permittee not less than six (6) months prior to the termination date, the Director of Planning shall extend the term of this permit for five (5) years to **May 17, 2016**, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations; and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit.

Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination of this permit, whether or not any modification of the use is requested at that time.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$750** (five (5) annual inspections at \$150 each). These monies shall be placed in a performance fund that shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plans on file. The applicant shall deposit additional funds to provide five (5) annual inspections, if this grant is extended pursuant to condition No. 9. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation

of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures shall comply with the requirements of the Los Angeles County Department of Health Services.
16. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a Exhibit "A", similar to that presented at the public hearing, that depicts all required or proposed project changes, including the locations of storage and display for beer and wine. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property' owner.
17. The operation of this facility is further subject to all of the following conditions:
 - a. Hours of operation for the facility, including the sale of beer and wine, shall be limited from 4:00 p.m. to 12:00 a.m. daily;

- b. Patrons shall disperse from the facility half an hour after the cessation of alcohol sales;
- c. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted in English and the predominate language in the area on the premises prohibiting loitering;
- d. The sale of alcoholic beverages for consumption outside the premises is prohibited;
- e. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject facility. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
- f. All employees of the facility shall participate in the Licensee Education on Alcohol and Drugs (LEAD) Program offered by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The permittee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program;
- g. All servers of alcoholic beverages must be 21 years of age;
- h. An unarmed security guard shall be present at the facility between the hours of 7:00 p.m. to 12:30 a.m., when the facility is in operation;
- i. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions;
- j. Temporary signs or banners advertising alcoholic beverage "specials" or any similar promotions shall not be displayed on the exterior walls or fascia of the building;
- k. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;
- l. In the event of extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only

exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization;

- m. The permittee shall provide adequate lighting above all entrances and exits to the premises. The lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Only minimal motion-sensor security lighting shall be used later than closing hours nightly;
- n. A security camera shall be installed to monitor the rear parking lot. Tapes shall be kept for a minimum of 30 days and made available to the law enforcement, ABC, or Regional Planning staff upon their request;
- o. The subject facility shall have no more than a total of four (4) coin or otherwise fee-operated games of amusement or skill, such as pool tables and jukeboxes, at any time;
- p. The doors on the north side of the building shall be closed while karaoke is in progress;
- q. Karaoke is permitted during the operating hours of the facility. All other forms of live entertainment, such as live bands and operation of a disco or dance hall, is prohibited.
- r. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control of;
- s. Off-site signs are prohibited, unless approved by the Department of Regional Planning. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
- t. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
- u. The permittee shall keep telephone numbers of local law enforcement agencies posted in the facility in plain view near the cashier's or similar public service area;
- v. The permittee shall maintain a current contact name, address, and phone

number on file with the Department of Regional Planning at all times; and

- w. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

SD:AN
05/17/06



Los Angeles County
Department of Regional Planning


Planning for the Challenges Ahead



James E. Hartl AICP
Director of Planning

DATE: April 13, 2006

TO: Pat Modugno, Chair
Esther L. Valadez, Vice Chair
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner
Wayne Rew, Commissioner

FROM: Samuel Dea 
Acting Section Head
Zoning Permits I

**SUBJECT: PROJECT NUMBER R2005-01724-(1)
CONDITIONAL USE PERMIT NUMBER 200500090
April 19, 2006 Regional Planning Commission Hearing
Agenda Item No. 7**

Project Number R2005-01724-(1), Conditional Use Permit Number 200500090, is a request to allow the continued operation of an existing bar with the sale of beer and wine for on-site consumption with accessory live entertainment, limited to karaoke, in the C-2-BE (Neighborhood Commercial – Billboard Exclusion) zone. The subject property is located at 16005 Amar Road, in the community of Valinda, in the Puente Zoned District.

February 8, 2006 Public Hearing

During the February 8, 2006 public hearing, the Regional Planning Commission continued the public hearing and directed staff to further research the case due to comments received from the Sheriff's Department, dated December 14, 2005, recommending denial of the project. In that correspondence, the Sheriff's Department included statistics for Las Potrillas, a neighboring bar located at 16013 Amar Road, adjacent to the subject property to the east.

The Sheriff's Department issued a subsequent letter, dated February 14, 2006, stating that deputies were called 28 times to the subject property in the last three years. The letter also stated that deputies were called 57 times to Las Potrillas, the neighboring bar to the east. The Department of Alcoholic Beverage Control (ABC) License Query data shows that the subject property had no violations or disciplinary with the ABC. Staff spoke with ABC Investigator Kim Wachowski on February 8, 2006, who confirmed that ABC had taken no actions against the subject property and ABC was in the process of revoking the ABC license for Las Potrillas.

The subject bar has operated at the property prior to 1970. A conditional use permit was not required to operate a bar in the C-2 zone until 1974. The maximum amortization period for a nonconforming use in a Type V building (wood and stucco construction) is 25 years. The amortization period for the continued operation of the subject bar ended in 1999. The applicant purchased the business in 2004. In the process of filing for a business license, Regional Planning staff discovered that the amortization period for the bar had ended and instructed the applicant to file for a conditional use permit.

Although the Sheriff's Department has indicated there were numerous visits by deputies to the subject site, it is unclear if these calls were directly related to the current operator of the subject bar. The facility is not located in a census tract that has an over-concentration of licenses. It would be appropriate for the Commission to approve this permit to allow the continued operation of the bar.

If the Commission finds the operation of a bar is appropriate at the subject property, then staff recommends a five (5) year term with a five year extension subject to Director's Review. This is based on the need to review and evaluate the compatibility of the project due to concerns from the Sheriff's Department. Draft conditions have been included for the Commission's consideration.

SUGGESTED MOTIONS

"I move that the Regional Planning Commission close the public hearing and indicate its intent to approve **Conditional Use Permit Number 200500090** and instruct staff to prepare final findings and conditions for approval."

However, if the Commission finds that the continued operation of a bar at the subject property to be unsuitable, then staff recommends the following motion.

"I move that the Regional Planning Commission close the public hearing and indicate its intent to deny **Conditional Use Permit Number 200500090** and instruct staff to prepare findings for denial."

If you need further information, please call Ms. Adrienne Ng of my staff at (213) 974-6443 or email at ang@planning.co.la.ca.us. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

SD:AN

Letter from the Sheriff's Department, dated February 14, 2006
Alcoholic Beverage Control License Query System, dated February 7, 2006

1. This grant authorizes the use of the subject property for the sale of beer and wine for on-site consumption at an existing 2,426 square foot bar with accessory live entertainment, limited to karaoke, as depicted on approved Exhibit "A". This grant is subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within 90 days from the date of approval. A one-year time extension may be requested in writing with the payment of the applicable fee, at least six (6) months before the expiration date.
7. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. This grant shall terminate on **XX x, 2011**. Upon written request made by the permittee not less than six (6) months prior to the termination date, the Director of Planning shall extend the term of this permit for five (5) years to **XX x, 2016**, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations; and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit.

Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination of this permit, whether or not any modification of the use is requested at that time.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$750** (five (5) inspections at \$150 each). These monies shall be placed in a performance fund that shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plans on file. The fund provides for **five (5)** annual inspections of the site, on every other year over the ten year period. The applicant shall deposit additional funds to provide five (5) annual inspections, if this grant is extended pursuant to condition No. 9. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures shall comply with the requirements of the Los Angeles County Department of Health Services.
16. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a Exhibit "A", similar to that presented at the public hearing, that depicts all required or proposed project changes, including the locations of storage and display for beer and wine. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property' owner.
17. The operation of this facility is further subject to all of the following conditions:

- a. Hours for the onsite sales of beer and wine shall be limited from 3:00 p.m. to 2:00 a.m. daily;
- b. The sale of alcoholic beverages for consumption outside the premises is prohibited;
- c. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted in English and the predominate language in the area on the premises prohibiting loitering;
- d. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject facility. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
- e. All employees of the facility shall participate in the Licensee Education on Alcohol and Drugs (LEAD) Program offered by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program;
- f. All servers of alcoholic beverages must be 21 years of age;
- g. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions;
- h. Temporary signs or banners advertising alcoholic beverage "specials" or any similar promotions shall not be displayed on the exterior walls or fascia of the building;
- i. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;
- j. In the event of extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization;
- k. Store-front lighting shall be of sufficient power to illuminate and make easily

discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Only minimal motion-sensor security lighting shall be used later than closing hours nightly;

- l. The subject facility shall have no more than four (4) coin operated games of amusement or skill, such as pool tables and jukeboxes, at any time;
- m. The doors on the north side of the building shall be closed while karaoke is in progress;
- n. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control of;
- o. Off-site signs are prohibited, unless approved by the Department of Regional Planning. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
- p. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
- q. The permittee shall keep telephone numbers of local law enforcement agencies posted in the facility in plain view near the cashier's or similar public service area;
- r. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times; and
- s. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

RPC MEETING DATE February 8, 2006
AGENDA ITEM NO. 9

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: R2005-01724-(1)

CASE NO. Conditional Use Permit
Case No. R200500090-(1)

CONTACT PERSON: Adrienne Ng

- ☒ STAFF REPORT
- ☐ DRAFT CONDITIONS (If Recommended For Approval)
- ☐ DRAFT FINDINGS FOR DENIAL (If Land Division Case Recommended For Denial)
- ☒ BURDEN OF PROOF STATEMENT (Zoning or Plan Amendment Requests)
- ☐ ENVIRONMENTAL DOCUMENTATION
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE RADIUS MAP
- ☒ SITE PLAN (or Tentative Map)
- ☒ PHOTOGRAPHS
- ☒ CORRESPONDENCE
- ☐ _____
- ☐ _____
- ☐ _____

Reviewed By: _____



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2005-01724-(1)

CASE NO. RCUP200500090

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM 9	
PUBLIC HEARING DATE February 8, 2006	

APPLICANT Michelle Hasbun	OWNER Abbas Navazi	REPRESENTATIVE Hortencia Trevino
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REQUEST
Conditional Use Permit: To authorize the sale of beer and wine for on-site consumption at an existing bar with accessory Entertainment.

LOCATION/ADDRESS 16005 Amar Road	ZONED DISTRICT Puente		
ACCESS Amar Road	COMMUNITY Valinda		
	EXISTING ZONING C-2-BE(Neighborhood Commercial – Billboard Exclusion), P-R (Parking Restricted)		
SIZE 6987 square feet	EXISTING LAND USE Commercial	SHAPE Rectangular	TOPOGRAPHY Flat

SURROUNDING LAND USES & ZONING North: Single-family and duplex residences/ R-1-6,000 (Single-Family Residential – 6,000 square feet required area) South: Commercial, public storage facility, light industry/ City of Industry	East: Single-family and duplex residences, commercial / R-1-6,000, C-2-BE, P-R West: Single-family and duplex residences, commercial / R-1-6,000, C-2-BE, P-R
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GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	C (Commercial)	N/A	See Staff Analysis
Area Plan			

ENVIRONMENTAL STATUS
Categorical Exemption – (Class 1 – Existing Facilities)

DESCRIPTION OF SITE PLAN
The applicant's site plan shows the existing 2,400 square foot building with an existing bar. Six parking spaces are shown on the site plan. The floor plan shows two pool tables, three televisions, a karaoke stage and an occupant load of 69 persons.

KEY ISSUES

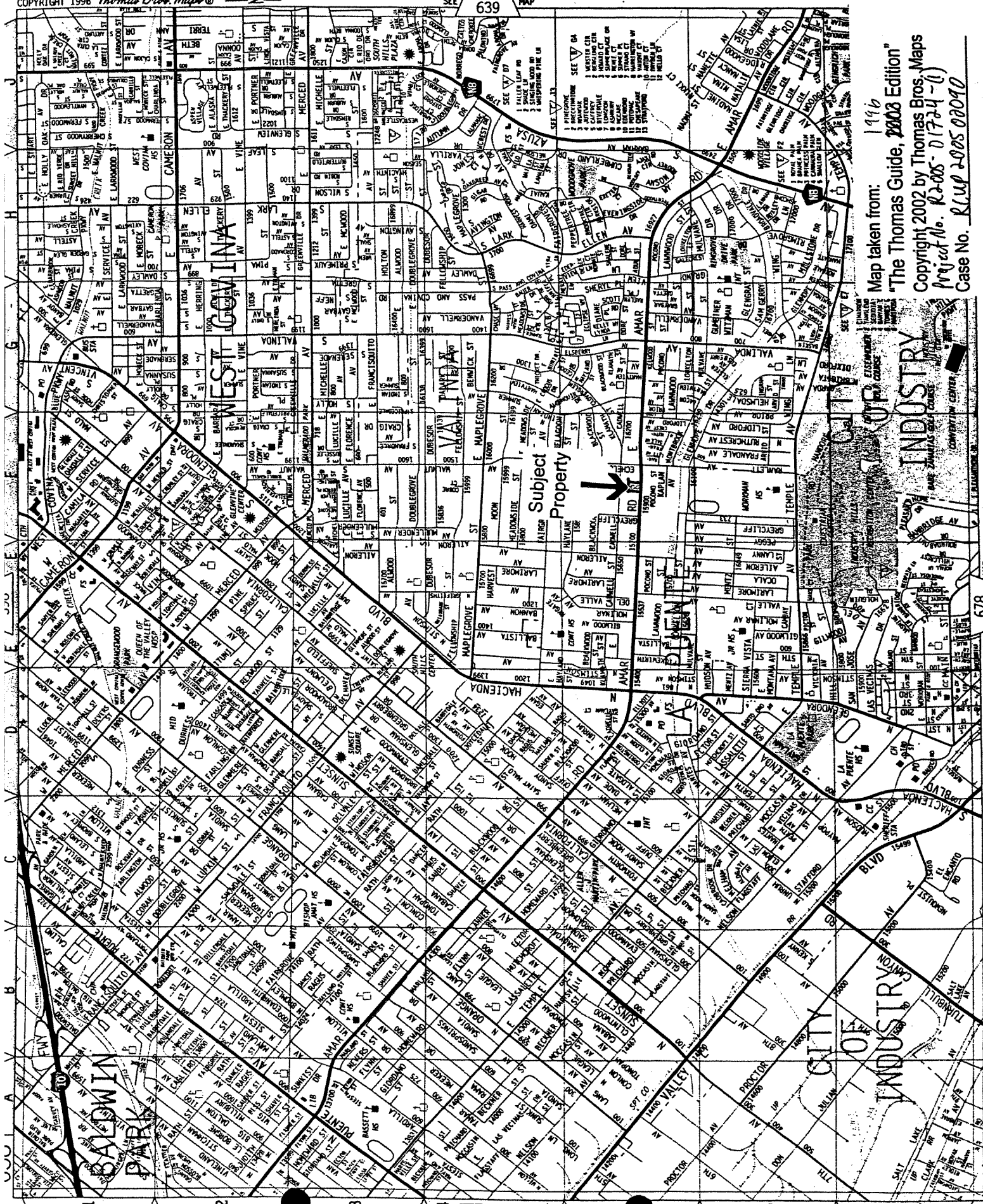
- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements.
- Satisfaction of Section 22.56.195 of Title 22 of the Los Angeles County Code Conditional Use Permit Additional Findings requirements for the sale of alcoholic beverages for on-site or off-site consumption.

(If more space is required, use opposite side)

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS*	PETITIONS	LETTERS
(O) (F)	(O) (F)	(O) (F)

*(O) = Opponents (F) = In Favor



Map taken from: 1996
"The Thomas Guide, 2003 Edition"
Copyright 2002 by Thomas Bros. Maps
Project No. R2-05-01724-0
Case No. R2-05-00090

STAFF ANALYSIS

PROJECT NUMBER

R2005-01724-(1)

CASE NUMBER

Conditional Use Permit No. 200500090-(1)

OVERVIEW OF PROPOSED PROJECT

The applicant, Ms. Michelle Hasbun, is requesting a Conditional Use Permit to authorize the sale of beer and wine for on-site consumption at Joann's Barrel House, an existing bar with two pool tables and a karaoke bar. The hours of operation of the facility are from 3 p.m. to 1:30 a.m., Monday through Sunday with two employees. The applicant states that the establishment has been in operation for 30 years and has been in operation by the applicant for two years.

DESCRIPTION OF SUBJECT PROPERTY

Location

The rectangular shaped, 0.16-acre subject property is located at 16005 Amar Road, in the community of Valinda, in the Puente Zoned District. The subject property is located on the north side of Amar Road between Greycliff Avenue and Echelon Avenue.

Physical Features

A single-story, 2,400 square foot building and six parking spaces are located on the subject property. The property is accessed from the south via Amar Road. Amar Road is designated a secondary highway with a 100 foot right-of-way. A common driveway shared with the adjacent property to the east provides access to a parking area located at the rear of the subject property.

ENTITLEMENT REQUESTED

Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a Conditional Use Permit to authorize the sale of beer and wine for on-site consumption at an existing bar.

EXISTING ZONING

Subject Property

The subject property is within the C-2-BE (Neighborhood Commercial - Billboard Exclusion) and P-R (Parking Restricted) Zones.

Surrounding Properties

Surrounding properties are zoned as follows:

North: R-1-6,000 (Single-Family Residential – 6,000 square feet required area)

East: R-1-6,000, C-2-BE, P-R

South: City of Industry

West: R-1-6,000, C-2-BE, P-R

EXISTING LAND USES

Subject Property

The subject property is developed with a 2,400 square foot building and contains a bar with accessory entertainment, including two pool tables and a karaoke stage. The primary entrance is on the south side of the building. Seating areas horseshoe the bar and storage area, which are located in the middle of the building. Two pool tables and the karaoke platform are located in the northeast corner of the building. Six parking spaces are located on the property.

Surrounding Properties

Land uses within 500' of the subject property consist of the following:

North: Single-family and duplex residences

East: Single-family and duplex residences, commercial

South: Commercial, public storage facility, light industry

West: Single-family and duplex residences, commercial

PREVIOUS CASES/ZONING HISTORY

Records from the Assessor's Office indicate that the 2,400 square foot building was constructed in 1960. Records from the Department of Alcoholic Beverage Control show that a license for beer and wine for on-site consumption was originally issued in on May 2, 1983.

No zoning enforcement cases have been opened on the subject property.

GENERAL PLAN

Land Use Policy Map

The land use designation within the Countywide General Plan for the subject property and surrounding area is "C" (Commercial). Areas within this designation are suited for commercial, service, and office uses. Policy Number 4 of the General Plan states that development should "Promote neighborhood commercial facilities which provide convenience goods and services and complement the community character through appropriate scale, design, and locational controls." The General Plan does not address the sales of alcoholic beverages.

Consistency Analysis

The existing bar is located in a commercial area along a secondary highway. This use can be found consistent with the Commercial land use designation of Countywide General Plan.

SITE PLAN

General Description

The site plan depicts the 2,400 square foot, single-story building and six parking spaces. A shared driveway provides access to the rear of the property. Two parking spaces and space for trash and recycling are located at the rear of the property. An existing 69.7 square foot wall sign is located on the building frontage along Amar Road.

Compliance with Applicable Zoning Standards

Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-2 shall be subject to the following development standards under Section 22.28. Part 5 of the Los Angeles County Code:

Building Area and Landscaping

According to Section 22.28.170 A, not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.

The 2,400 square foot building occupies 34.3 percent of the property, which does not exceed the 90% allowed lot coverage. Under current standards 699 square feet of landscaping would be required. Currently no landscaping exists on the property. The building on the property was developed in 1960, prior to existing standards.

Parking

Section 22.28.120 Part B refers to Part 11 of Chapter 22.52 for parking requirements. Per Section 22.52.1110 of the County Code, for entertainment, assembly, and dining uses, one automobile parking space plus adequate access thereto shall be provided for each 3 persons based on the occupant load as determined by the county engineer.

The Department of Public Works has determined that the occupant load for the existing 2,400 square foot bar is 69 persons. Under current standards, the bar would require 23 parking spaces. Six parking spaces are shown on the site plan. The property was developed in 1960. The applicant is not requesting to expand the facility. The existing use is legal nonconforming due to parking.

Outside Display

Except for uses specified in Section 22.28.170 D of the County Code, all display in Zone C-2 shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit.

No outside display is shown on the site plan. The site plan complies with this requirement.

Outside Storage

Section 22.28.170 E states that outside storage is not permitted in the C-2 zone

No outside storage is shown on the site plan. The site plan complies with this requirement.

Signage

According to Section 22.52.880, a maximum of three square feet of wall sign area are allocated to each linear foot of building frontage. Freestanding signs are not permitted for properties with less than 100 feet of frontage.

The building has a frontage of 40 feet and 120 square feet of total sign area is allocated for wall signs. One 69.7 square foot wall sign exists on the property. Wall signage complies with this requirement. An existing pole sign is located on the southwest corner of the property. This sign is not consistent with existing standards.

BURDEN OF PROOF

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Director, the following facts:

- A. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - 2. By other public or private service facilities as are required.

ADDENDUM BURDEN OF PROOF

Per Section 22.56.195 of the Los Angeles County Code, in addition to the findings required pursuant to Section 22.56.040, the applicant shall also substantiate to the Director the following facts:

- A. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600' radius; and

- B. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500' shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500' radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than 5% of the total shelf space in the establishment; and
- C. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- D. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

The applicant's Burden of Proof statement is attached to this document. Currently three establishments within 500 feet of the subject property sell alcohol. One establishment, La Potrillas Night Club, is located directly to the east of the subject property sells a full line of alcohol for on-site consumption. Two establishments, one liquor store on the property to the east of the subject property and one liquor store to the south of the subject property sell a full line of alcohol for off-site consumption. The project site is located in a commercial area along Amar Road, a county designated secondary highway. Residential properties border the site to the north, separated by a solid wall. The main entrance to the establishment faces south. Workman High School is within 1,000 feet of the subject property. Valinda Middle School and Del Valle Elementary School are located within walking distance to the subject property.

According to the Department of Alcoholic Beverage Control, the subject property is within a high crime area. In a letter dated December 14, 2005, the Sheriff's Department has expressed opposition to the approval of this request. This letter has been attached to this report. Staff is of the opinion that the applicant has not sufficiently address the Burden of Proof in a fashion that substantiates findings required by Section 22.56.195 of the County Code.

ENVIRONMENTAL DOCUMENTATION

This project was determined to be categorically exempt under Class 1, Existing Facilities from the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). Class 1 facilities include the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the determination.

FIELD INVESTIGATION

Staff visited the site on November 3, 2005. Staff found the property well kept and in accordance with the site plan. The establishment was closed at the time and staff did not review the interior of the building.

STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

In a fax dated December 22, 2005, the California Department of Alcoholic Beverage Control (ABC) indicated that the property was located within a high crime reporting district. The subject property is located within Reporting District 1440, which had 556 offenses reported, which is more than the 170 offenses average for all 355 reporting districts. The subject property is located in a high crime reporting district.

According to the ABC, over-concentration of licenses for on-site consumption does not exist in the census tract. Census Tract #4075.00 can accommodate up to seven licenses for beer and wine for on-site consumption and six licenses exist in this tract. However, an over-concentration of licenses exists for off-site consumption. Six licenses are allowed and eight exist in the census tract. This fax is attached to this report.

Los Angeles County Sheriff's Department

In a letter dated December 14, 2005, Captain Michael Smith of the City of Industry Sheriff's Station recommended that the current request be denied. Over a period of five years, numerous calls for service have been made to the site by Sheriff Deputies. Twenty-four arrests were made at the site over the five year review period. The letter also states that the temporary license was to be revoked on December 22, 2005, however according to ABC, the site's license to serve alcohol has not been revoked and no disciplinary actions are in progress.

PUBLIC COMMENTS

Legal Notification/Community Outreach

On December 28, 2005, public hearing notices were mailed out to 54 property owners within 500' of the subject property, 19 local organizations, and 4 private persons identified on the Department's courtesy mailing list for projects in the Puente Zoned District. The notice was published in the San Gabriel Valley Tribune and La Opinion on December 28, 2005. Case-related material, including the hearing notice, factual, and burden of proof were sent on December 28, 2005 to the La Puente County Library at 15920 East Central Avenue in La Puente. According to the applicant, the hearing notice has been posted on the property for 30 days prior to the public hearing.

Public Comments

Staff received no comments from the public regarding this request.

STAFF EVALUATION

The applicant is requesting the authorization the sale of beer and wine for on-site consumption at an existing bar with accessory entertainment. Pursuant to Section

22.28.210, the sale of alcoholic beverages is subject to a conditional use permit in the C-2 zone.

The sale of beer and wine for on-site consumption may have a negative impact on persons who reside in the surrounding area. The ABC has determined that the subject property is within a high crime area, with more than three times the average number of offenses in all districts. Although this request will not exceed the number of licenses allowed for on-site consumption, there is an over concentration of licenses for off-site consumption in the census tract. The Sheriff's Department has recommended that this request be denied because of numerous calls to and service visits from the Sheriff.

Staff is of the opinion that there does not appear to be a public need for an additional establishment with alcohol sales in this immediate area. Currently three adjoining establishments sell alcoholic beverages. An additional establishment could be considered an undue concentration of similar premises. The subject property is located within a high crime area with an extensive history of service calls to the sheriff Department. The establishment is adjacent to single-family residences. Several schools are located within walking distance.

STAFF RECOMMENDATION

Denial

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Prior to taking an action on this case, staff recommends that the Regional Planning Commission consider if the continuation of the requested use will:

- Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.
- Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- Not adversely affect the economic welfare of the nearby community.
- Serve a public convenience or necessity with continuation of the sale of beer and wine for on-site consumption.

If the Commission finds the request **does not** satisfy the conditional use permit and alcoholic beverage sales burden of proof requirements and does not serve a public convenience or necessity, then staff recommends denial of Conditional Use Permit Number 200500090.

SUGGESTED MOTION

"I MOVE THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION INDICATE ITS INTENT TO DENY CONDITIONAL USE PERMIT NUMBER 200500090-(1), AND INSTRUCT STAFF TO PREPARE FINDINGS FOR DENIAL."

Prepared by Adrienne Ng, Regional Planning Assistant II
Reviewed by Samuel Dea, Acting Section Head
Zoning Permits I Section

Attachments:

Applicant's Burden of Proof and Addendum Burden of Proof statements
California ABC Census Tract Statistics
Sheriff's Department Letter, dated December 15, 2005

SD:AN
2/02/06

BURDEN OF PROOF

To whom it may concern:

My name is Michelle R. Hasbun and I'm the new owner of Joann's Barrel House. This is located on 16005 Amar Road in city of La Puente, California. This establishment has been a sports bar for more than 80 years. We located in a commercial property. There are no churches, schools, public parks or playgrounds located within 600foot radius from the subject property. Therefore, none of those properties will be affected in any matter.

The properties around the Barrel House are a dealership, a bar, liquor store which are not affected by our business or business hours. In any case, they are promoted and help to increase business for those other business, as well our business.

Our business hours are from 3p.m to 1:30a.m Monday thru Sunday. We count with convenient parking lot, entertainment like karaoke, pool tables and TVs. We also offer a variety of beers, imports and national, wine and non-alcoholic drinks. As part of our customer service, we encourage and promoted our customers singing skills. Which the winner for the night is chosen by our other customers and a reward is given to the person. This helps to create a more friendly and familiar environment.

We do not allow anyone under 21 years of age. Identification must be present when requesting service. We also collaborate with our Sheriff department to enforce the rules established by the law.

The existing and proposed business will be high quality and consistent with the other business around our business.

We are concerns of our responsibilities that we have to our community and neighbors and that one of the main reason why we offer a friendly and fun environment to our customers and community.

Regards,
Michelle R. Hasbun
Joann's Barrel House

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

THIS BUSSINESS HAS BEEN IN THIS
LOCATION FOR A LONG PERIOD OF TIME,
AND IS LOCATED ON A COMMERCIAL
SITE

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

THE BUSSINESS IS ON A COMMERCIAL
SITE, WITH APPROPRIATE FACILITIES,
AND PARKING FACILITIES AS WELL.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

THE BUSSINESS IS ON A MAIN STREET
ON A AREA COMPLETELY DEVELOPED,
SURROUNDED BY DIFFERENT KINDS
OF BUSS.

**DEPARTMENT OF ALCOHOLIC BEVERAGE
CONTROL**

B & P APPLICATION WORKSHEET

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

10005 Amar Road
Valinda, Ca 91744
LICENSE TYPE: 42 - On Sale Beer & Wine

1. CRIME REPORTING DISTRICT

_____ Jurisdiction unable to provide statistical data.

Reporting District: 1440

Total number of reporting districts: 355

Total number of offenses: 50,281

Average number of offenses per district: 142

120% of average number of offenses: 170

Total offenses in district: 556

Location is within a high crime reporting district: Yes No

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 4075.00 12/22/05 PER AFILC

Population: 8070 / County Ratio 1.1192

Number of licenses allowed: 7

Number of existing licenses: 6 (NO pending)

Undue concentration exists: Yes No

Letter of public convenience or necessity required: Governing Body Applicant.

Three time publication required: Yes No

Person Taking Application

Investigator

Supervisor

Over

.12-22-05
07:06 AM

CENSUS TRACT INFORMATION BY CENSUS TRACT NUMBER
where county is 19-LOS ANGELES and census tract is 4075.

TOTAL: 14

COUNTY	Census Tract	DO	License Num	On Sale Active	On Sale Pend	Off Sale Active	Off Sale Pend
19	4075.	02	284849	Y	N	N	N
19	4075.	02	322903	N	N	Y	N
19	4075.	02	359046	Y	N	N	N
19	4075.	02	394748	N	N	Y	N
19	4075.	02	413056	Y	N	N	N
19	4075.	02	432066	N	N	Y	N
19	4075.	02	377383	N	N	Y	N
19	4075.	02	38699	Y	N	N	N
19	4075.	02	316981	N	N	Y	N
19	4075.	02	338315	N	N	Y	N
19	4075.	02	370064	Y	N	N	N
19	4075.	02	374067	N	N	Y	N
19	4075.	02	388169	N	N	Y	N
19	4075.	02	417539	Y	N	N	N
Totals				6	0	8	0

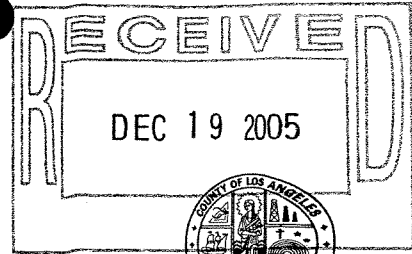
CORRESPONDENCE



LEROY D. BACA, SHERIFF

December 14, 2005

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Ms. Adrienne Ng
Regional Planning Assistant II
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Dear Ms. Ng:

In response to your letter dated December 12, 2005, I have checked our records for activity at 16005 Amar Road, La Puente for the requested time frame of January 1, 2000 through December 12, 2005.

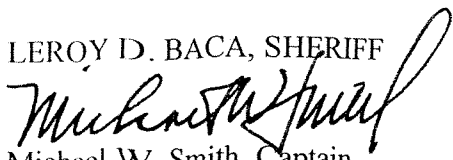
I found there was a large amount of calls for service wherein deputy sheriffs were called to the location to address matters related to fights, people loitering, and people who were drunk in public. Twenty-four arrests were made at that location, most of which were for felony violations of the law. Additionally, my staff contacted the Alcohol Beverage Control local office (Ms. Mamie Gon) and found that effective December 22, 2005, the business' current beer and wine permit is being revoked.

The quantity of calls over this five-year period, types of arrests, and the revocation of their ABC permit would reflect a business that draws a clientele which is undesirable and patrons whose actions negatively impact the quality of life and the values of the community in which it is located. Therefore, it is my recommendation that this request for a Conditional Use Permit under Project Number R2005-01724 be denied.

If you have any questions or need further information, please contact Lieutenant Alicia Ault at (626) 934-3006.

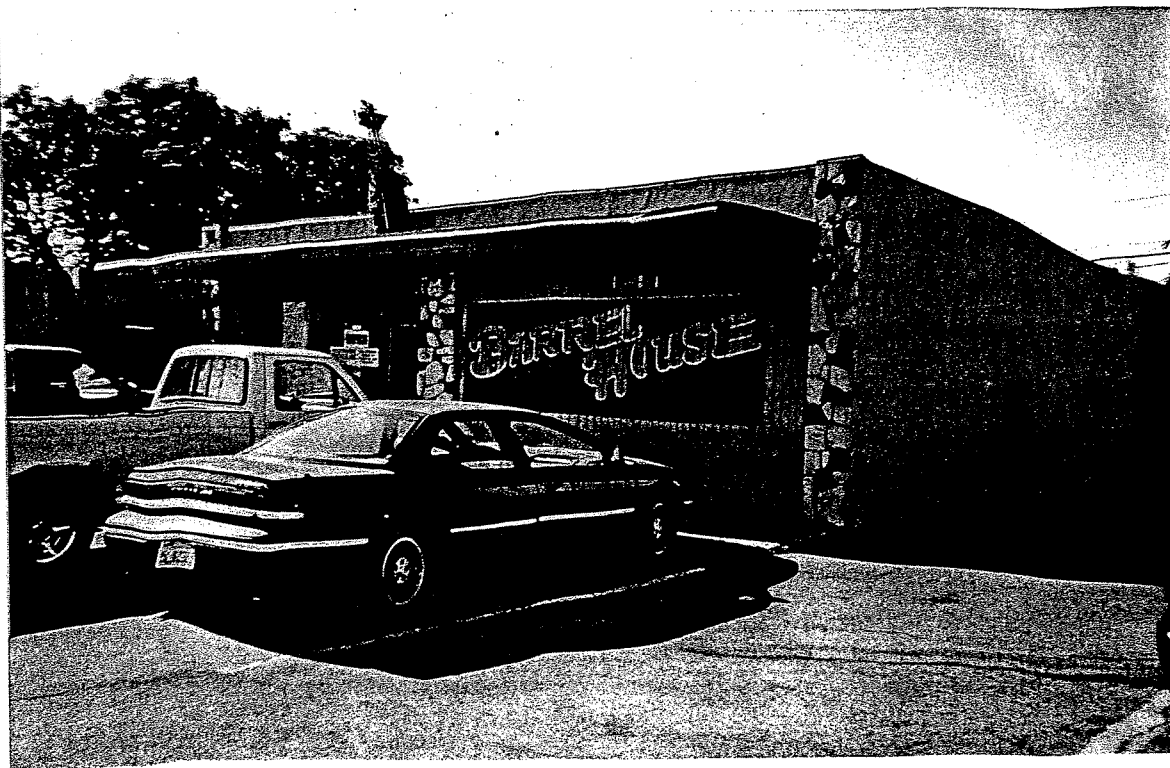
Sincerely,

LEROY D. BACA, SHERIFF


Michael W. Smith, Captain
City of Industry Station

A Tradition of Service

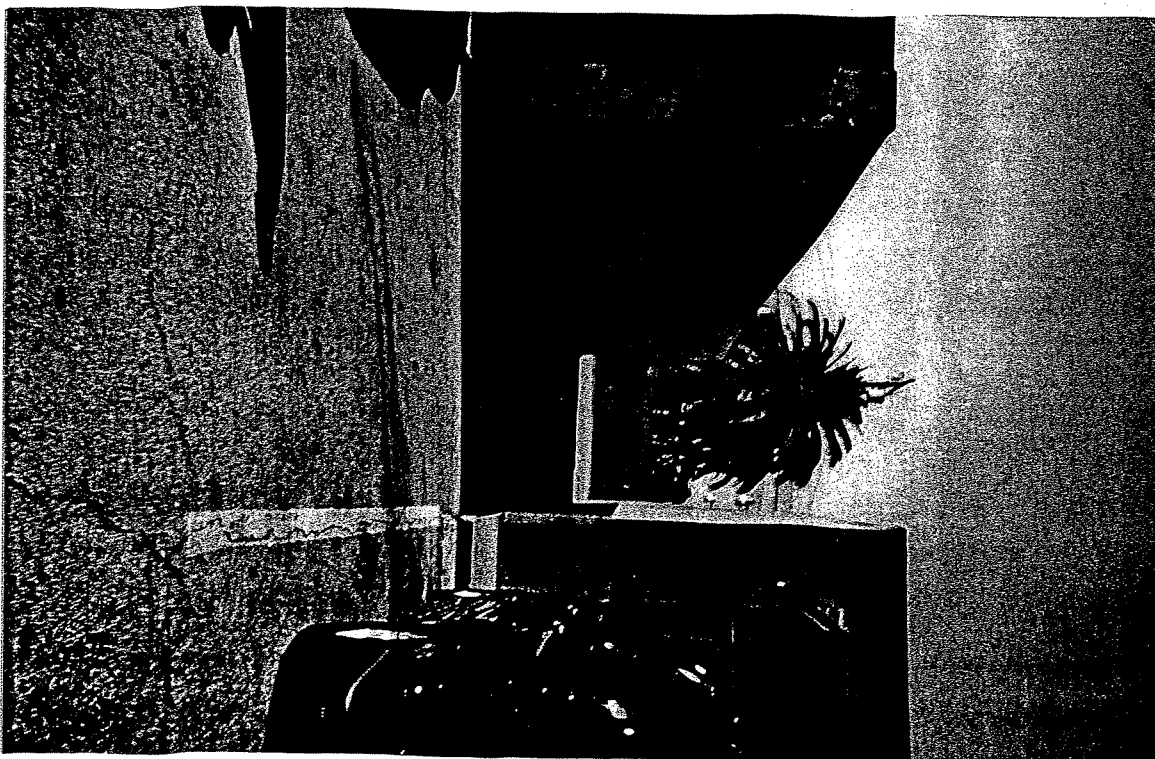
SITE PHOTOGRAPHS



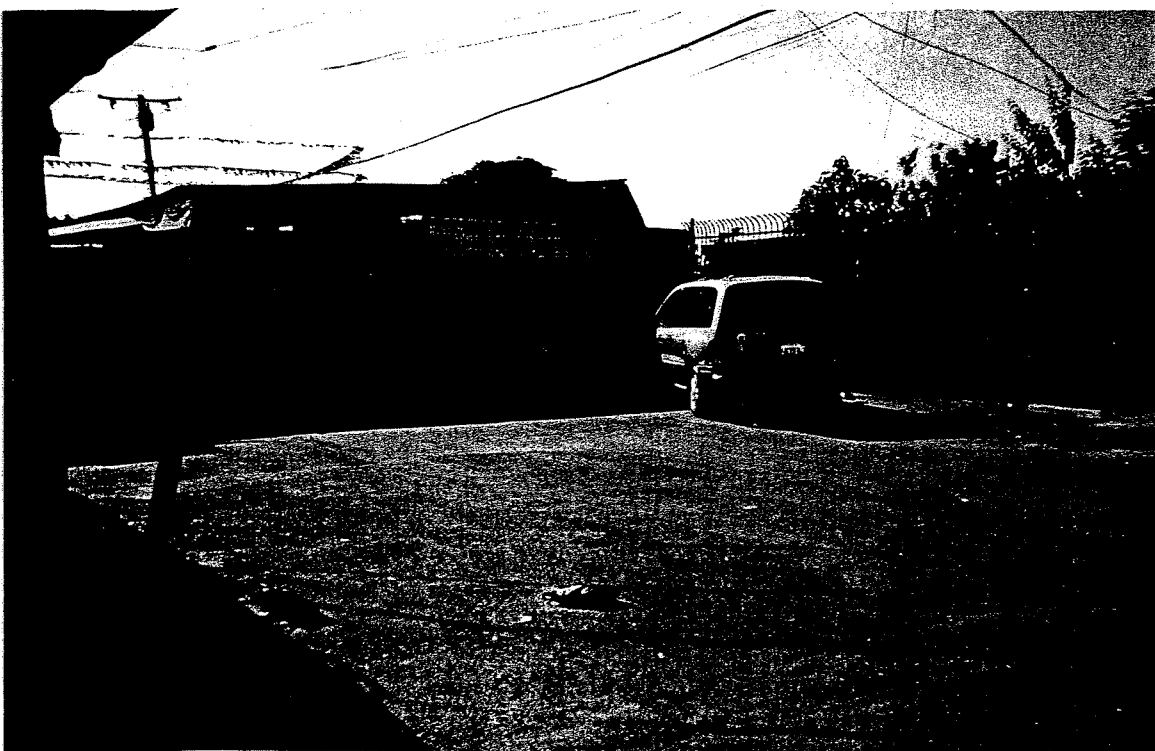
Subject Property



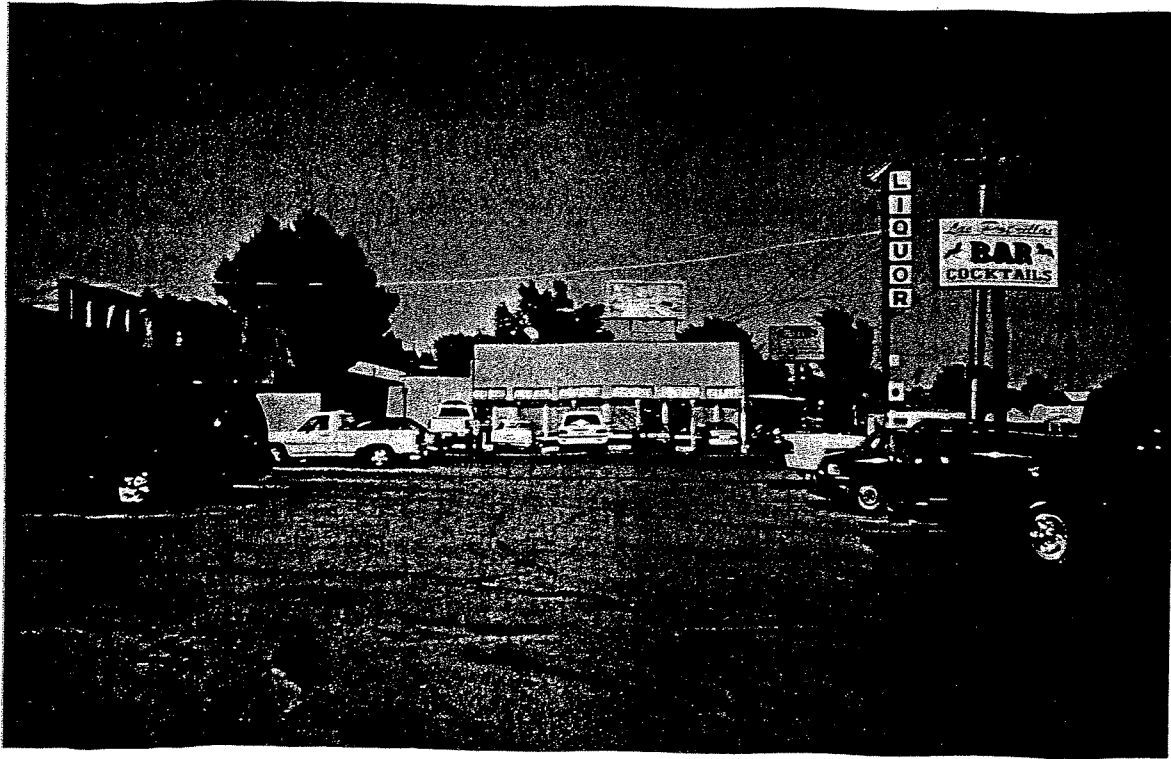
Subject Property



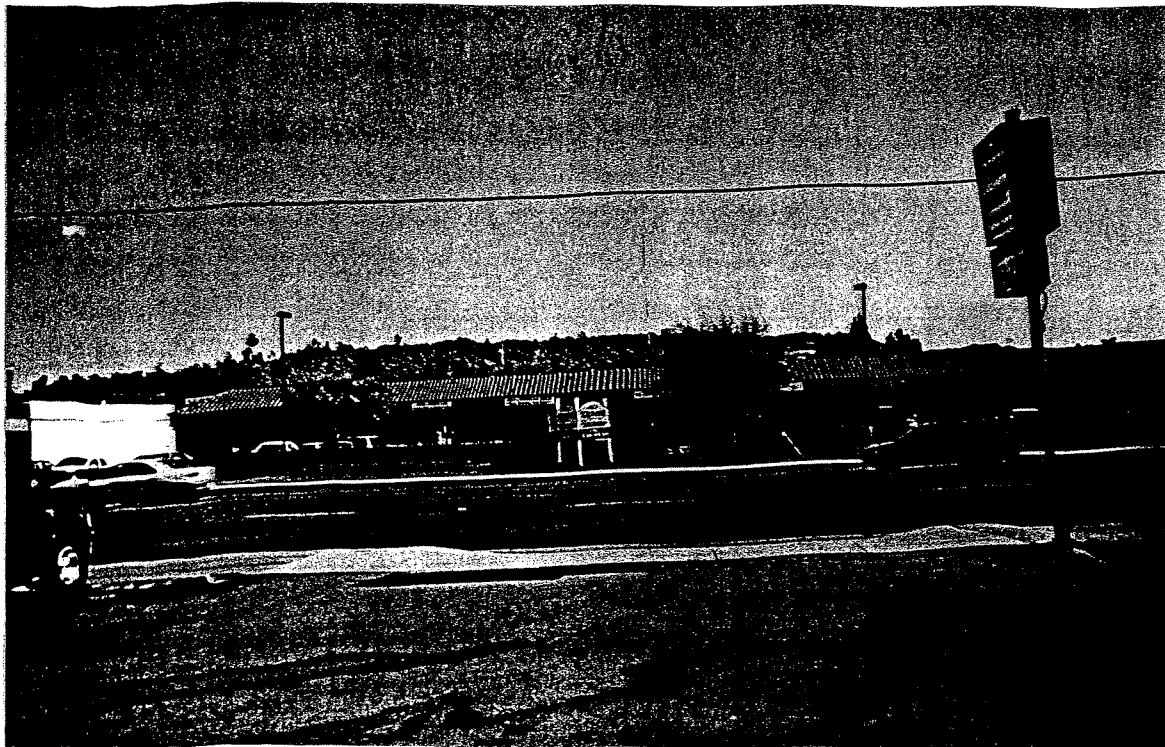
Alley on adjacent property to access rear of subject property



Rear of property. Residences to the north.



Neighboring property to the east.



Amar Road and commercial property to the south.

8252 4
SCALE 1" = 80'

1989

REVISED
6-23-55
6-28-55
8-15-56
1-27-56
2-28-57
3-10-58
8-3-59
1-23-59
4-14-61
4-17-61
70033518
8603307-46
861120-67
880302080/0001

0 CADWELL

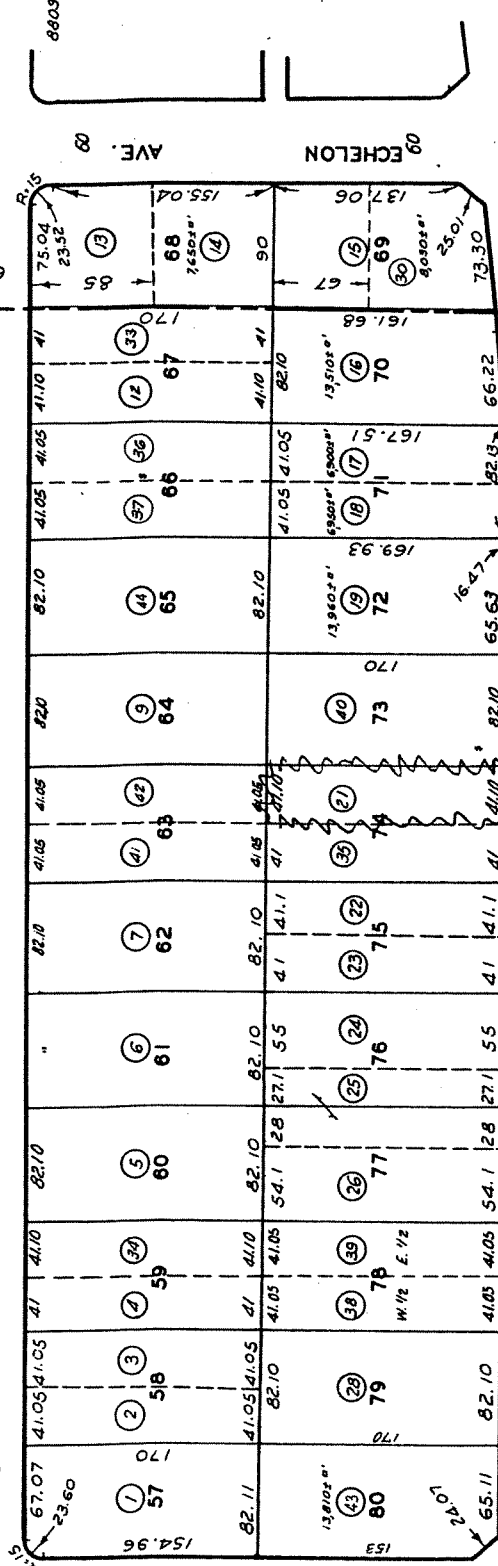
ST.

0

09

09

09



AMAR

100

100

100

TRACT NO. 15090

M.B. 329-19-20

CODE
4440
4484

CODE
4440
4484

FOR PREV. ASSMT. SEE: 1423-4

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2005-01724-(1)
CASE NO. RCUP200500090

RPC/HO MEETING DATE May 17, 2006	CONTINUE TO
AGENDA ITEM 6	
PUBLIC HEARING DATE February 8, 2006	

APPLICANT Michelle Hasbun		OWNER Abbas Navazi		REPRESENTATIVE Hortencia Trevino	
REQUEST Conditional Use Permit: To authorize the continued operation of a bar with the sale of beer and wine for on-site consumption with accessory live entertainment, limited to karaoke.					
LOCATION/ADDRESS 16005 Amar Road			ZONED DISTRICT Puente		
ACCESS Amar Road			COMMUNITY Valinda		
			EXISTING ZONING C-2-BE(Neighborhood Commercial – Billboard Exclusion), P-R (Parking Restricted)		
SIZE 6987 square feet	EXISTING LAND USE Commercial		SHAPE Rectangular	TOPOGRAPHY Flat	
SURROUNDING LAND USES & ZONING North: Single-family and duplex residences/ R-1-6,000 (Single-Family Residential – 6,000 square feet required area) South: Commercial, public storage facility, light industry/ City of Industry			East: Single-family and duplex residences, commercial / R-1-6,000, C-2-BE, P-R West: Single-family and duplex residences, commercial / R-1-6,000, C-2-BE, P-R		
GENERAL PLAN	DESIGNATION		MAXIMUM DENSITY		CONSISTENCY
Countywide	C (Commercial)		N/A		See Staff Analysis
Area Plan					
ENVIRONMENTAL STATUS Categorical Exemption – (Class 1 – Existing Facilities)					
DESCRIPTION OF SITE PLAN The applicant's site plan shows the existing 2,400 square foot building with an existing bar. Six parking spaces are shown on the site plan. The floor plan shows two pool tables, three televisions, a karaoke stage and an occupant load of 69 persons.					
KEY ISSUES <ul style="list-style-type: none">▪ Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements.▪ Satisfaction of Section 22.56.195 of Title 22 of the Los Angeles County Code Conditional Use Permit Additional Findings requirements for the sale of alcoholic beverages for on-site or off-site consumption. <p style="text-align: right;">(If more space is required, use opposite side)</p>					

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON Adrienne Ng (213)974-6443		
RPC HEARING DATE(S) February 8, 2006, April 19, 2006	RPC ACTION DATE May 17, 2006	RPC RECOMMENDATION Approval
MEMBERS VOTING AYE Valadez, Bellamy, Helsley, Rew, Modugno	MEMBERS VOTING NO None	MEMBERS ABSTAINING None
STAFF RECOMMENDATION (PRIOR TO HEARING) Approval		
SPEAKERS* (O) None (F) One	PETITIONS (O) None (F) None	LETTERS (O) One (F) None

*(O) = Opponents (F) = In Favor